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REVIEW OF THE IMPLEMENTATION OF THE
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OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 27 May 1992 from the Minister for Foreign Affairs of the Republic of Slovenia addressed to the Secretary-General

In this letter I wish to draw your attention to those facts arising from the dissolution of the former Socialist Federal Republic of Yugoslavia that are important from the standpoint of the membership of that former State in the United Nations.

The Socialist Federal Republic of Yugoslavia has dissolved and ceased to exist. The decisive facts which lead to this conclusion are as follows: first, the organs of former Yugoslavia have lost their representative authority and legitimacy since, for an extended period of time, representatives of four out of six constituent Republics of former Yugoslavia no longer participate in those organs; second, the former federation has no effective power in any part of the former Socialist Federal Republic of Yugoslavia - the effective power has been taken over by the Republics and is exercised by them to the highest possible extent; third, four out of six Republics (Bosnia and Herzegovina, Croatia, Macedonia and Slovenia) have declared their independence and have obtained wide international recognition - three of those Republics have also become Members of the United Nations and are participating States within the process of the Conference on Security and Cooperation in Europe; and fourth, the remaining two Republics, namely Serbia and Montenegro have opted for a common State and endowed it with effective power.

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* A/47/50.

The situation thus created can be described only as the dissolution of the former Socialist Federal Republic of Yugoslavia, which has ceased to exist and has been replaced by successor States. Two of those successor States, which are newly admitted Members of the United Nations, namely the Republic of Bosnia and Herzegovina and the Republic of Croatia, continue to be victims of aggression perpetrated by the remaining units of the Army of the former Socialist Federal Republic of Yugoslavia and by the Serb irregular forces. Parts of the territories of those two Member States of the United Nations are under foreign military occupation. This situation of aggression and military occupation poses a serious threat to international peace and security, within the meaning of Article 39 of the Charter of the United Nations and now has created numerous humanitarian problems, including the problem of refugees. The need to restore peace and security in the area of the former Socialist Federal Republic of Yugoslavia and to put an end to human suffering in that area requires the urgent and resolute action of the international community, including the United Nations, which has been dealing with the matter since September 1991. In this context, it is important that due consideration be given to the fact that the former Socialist Federal Republic of Yugoslavia has dissolved and ceased to exist and that political solutions are sought on the basis of a clear recognition of that fact.

Serbia and Montenegro - two of the Republics of the former Socialist Federal Republic of Yugoslavia - opted for the creation of a common State, current called the "Federal Republic of Yugoslavia". It is beyond doubt that they have the right to create a new common State. However, that right does not provide Serbia and Montenegro with any title of right either to continuity of the international personality of the former Socialist Federal Republic of Yugoslavia or to the membership of the former Socialist Federal Republic of Yugoslavia in international organizations. Those acts adopted by the two Republics which aim at the usurpation of the international personality of the former Socialist Federal Republic of Yugoslavia (described, inter alia, in the annexes to document A/46/915 of 7 May 1992) are null and void. In this connection, it should be mentioned that, in an attempt to conceal the usurpation, the Constitution of the new State composed of Serbia and Montenegro was endorsed by a body of the former Socialist Federal Republic of Yugoslavia - a body which ceased to exist several months ago. The Federal Chamber and other bodies of the Assembly of the former Socialist Federal Republic of Yugoslavia no longer exist, given the fact that the deputies representing four out of six Republics of the former Socialist Federal Republic of Yugoslavia months ago ceased to take part in that Assembly. It is beyond doubt that deputies representing only Serbia and Montenegro cannot be considered as the Federal Chamber and that, consequently, their decisions cannot be considered as legitimate decisions of a federal body. I do not wish to dwell, in this letter, on other aspects of the illegality of the attempts to use the names of defunct federal bodies of former Yugoslavia for the purpose of creating an illusion of continued existence of the former Socialist Federal Republic of Yugoslavia. Suffice it to say that all attempts by Serbia and Montenegro aiming at the usurpation of the international personality or State property of the former Socialist Federal Republic of Yugoslavia are illegal and must therefore be prevented.

Since the dissolution of the former Socialist Federal Republic of Yugoslavia, some of its successor States have already become members of certain international organizations, including the United Nations. This process will continue. It would be only correct to terminate the membership of the former Socialist Federal Republic of Yugoslavia in all international organizations, on grounds of its dissolution and non-existence. Moreover, all the Republics of the former Socialist Federal Republic of Yugoslavia that so wish should, as equal successor States of the former Socialist Federal Republic of Yugoslavia, become candidates for membership in these organizations, in accordance with their pertinent rules on membership. Bosnia and Herzegovina, Croatia and Slovenia have already become Members of the United Nations, while Macedonia clearly expressed its desire for membership. If the remaining Republics, Serbia and Montenegro, wish to apply for membership in the United Nations, perhaps as a common State and a single candidate, the Republic of Slovenia sees no reason against consideration of such a candidature by the competent United Nations bodies. It is also understood that each candidate must fulfil all conditions prescribed by Article 4 of the Charter of the United Nations, including evidence that the candidate is a peace-loving State.

The membership of the former Socialist Federal Republic of Yugoslavia in international organizations should be terminated without undue delay. Any hope that maintaining the membership of the defunct Socialist Federal Republic of Yugoslavia in the United Nations could help solve the problems arising from the current armed conflict in the territory of that former State is illusionary and cannot contribute to the establishment of the former Socialist Federal Republic of Yugoslavia in international organizations, including in particular in the United Nations. Neither will it help to establish a realistic framework for curbing the armed conflict and for the solution of the political crisis.

I therefore propose that the Security Council adopt without delay the necessary decisions with a view to terminating the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. In this connection, I wish to emphasize that it would not be correct to consider various situations from past United Nations practice as precedents - for there are in the history of the United Nations no real precedents to the total dissolution of the Socialist Federal Republic of Yugoslavia.

Should, however, adoption of the necessary decisions require a certain amount of time for consultations, I propose an immediate adoption of a decision to freeze the rights and privileges of membership of the former Socialist Federal Republic of Yugoslavia, pending the final decision on termination of that membership.

In this connection, I wish to recall that the Conference on Yugoslavia, convened under the auspices of the European Community, has already begun to consider the questions of succession of the former Socialist Federal Republic of Yugoslavia. That Conference offers an appropriate framework for negotiations among all six Republics, successor States of the former Socialist

Federal Republic of Yugoslavia. The Republic of Slovenia continues to believe that bona fide negotiations represent the best way for solution of all outstanding questions. We therefore vigorously oppose all attempts to prejudge the outcome of negotiations. This is one of the reasons that have prompted our rejection of the attempts by Serbia and Montenegro aiming at the usurpation of the international personality of the former Socialist Federal Republic of Yugoslavia and its membership in the United Nations.

Let me reiterate, Your Excellency, the deep attachment of the Republic of Slovenia to the principles of the Charter of the United Nations in addressing all international issues. I wish to assure you that the Republic of Slovenia will do its utmost and will cooperate constructively in the efforts to restore peace in the territory of the former Socialist Federal Republic of Yugoslavia and to develop durable political solutions for the future in that area.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

(Signed) Dr. Dimitrij RUPEL
Minister for Foreign Affairs
Republic of Slovenia